

**CA-11**  
**09/07/00**

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rail Safety and Carriers Division  
Rail Engineering Safety Branch  
Rail Crossings Engineering Section

RESOLUTION SX-35  
Date: September 7, 2000

**RESOLUTION**

RESOLUTION SX-35 AMENDS GENERAL ORDER 88-A  
(RULES FOR ALTERING PUBLIC RAILROAD-HIGHWAY  
GRADE CROSSINGS)

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**SUMMARY**

Commission rules were recently modified to require consent of the Commission prior to changing or adding crossing protection. Commission General Order (GO) 88-A (Rules for Altering Public Railroad-Highway Grade Crossings) establishes criteria for alteration of existing public railroad-highway grade crossings. Section 2 of GO 88-A lists the grade crossing alteration projects which are to be governed by it, but the lists does not include changing or adding protection. This Resolution amends Section 2 of GO 88-A to conform to the recent rule changes regarding changing or adding crossing protection.

**BACKGROUND**

Commission Resolution SX-31 authorized amending Section 10 of General Order 75-C (Regulations Governing the Protection of Crossings at Grade of Roads, Highways and Streets with Railroads in the State of California) with the following language (additions - bold and underlined; deletions - strikethrough):

No railroad shall hereafter remove, **change the type, or add** an automatic signaling device, crossing gate, crossing flagman or other forms of crossing protection or reduce the hours during which any such protection is maintained, unless prior consent for such removal, **addition**, or reduction shall have been secured from this Commission; provided, however, that a flagman on duty to temporarily protect a crossing during an emergency, may be removed without such consent. Application for consent of the Commission may be in letter form; however, the Commission may require filing of a formal application if it appears a hearing may be required before an order is issued. ~~No consent is necessary for installing additional or improved protection; however, .~~

Section 2 of GO 88-A contains the following language:

## **2. SCOPE**

The following railroad-highway grade crossing alteration projects shall be governed by these rules:

- 2.1 Grade crossing widening within the existing street right-of-way.
- 2.2 Approach grade changes.
- 2.3 Track elevation changes.
- 2.4 Roadway realignment that is functionality related to the existing crossing and can be achieved within the existing or a contiguous right-of-way.
- 2.5 Addition of one track within the existing railroad right-of-way.

Since the list above does not include changing or adding protection, staff recommends that it be modified to conform to the requirements of Resolution SX-31 by adding the following language:

- 2.6 Change in the type or addition of an automatic signaling device, crossing gate, crossing flagman or other forms of crossing protection or reduction of hours during which any such protection is maintained, or other minor alterations.

**DISCUSSION**

This change will prevent a conflict from being created between the new requirements in General Order No. 75-C and those that currently exist in General Order No. 88-A.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comments is being waived.

**FINDINGS**

1. Commission Resolution SX-31 authorized rule changes to General Order No. 75-C (GO 75-C).
2. Proposed changes to GO 88-A are required to prevent conflicts between the new requirements of GO 75-C and those that currently exist in GO 88-A.
3. The proposed changes have been reviewed and concurred with by parties of interest.
4. The staff recommends that this resolution should be adopted.

**THEREFORE, IT IS ORDERED that:**

General Order 88-A is amended by adding Section 2.6 to include the following language:

- 2.6 Change in the type or addition of an automatic signaling device, crossing gate, crossing flagman or other forms of crossing protection or reduction of hours during which any such protection is maintained, or other minor alterations.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on September 07, 2000 . The following Commissioners voted favorably thereon:

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-- WESLEY M. FRANKLIN  
Executive Director